

Remarks

The Examiner's reconsideration of the application is requested in view of the amendments above and comments which follow, as well as the declaration that is submitted herewith.

Turning first to the claim rejections under 35 U.S.C. §101 of claims 41-43, those claims have been amended to fall in a statutory category of invention, in accordance with current guidelines. Approval is requested.

The Examiner has then proceeded with claim rejections under 35 U.S.C. §103, occupying the balance of the Office Action.

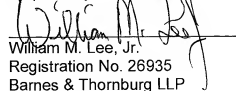
One of the references upon which the Examiner relies in the rejections is published Flockhart Application US 2005/0071241. The Flockhart application has its earliest priority being September 26, 2003. The present application has its earliest priority being November 26, 2003, the filing date of the present application. However, the invention of the present application was made prior to September 26, 2003 and, indeed, prior to June 27, 2003. To that end, submitted herewith is a Declaration of one of the inventors, Neil O'Connor, which swears back of the Flockhart reference and provides evidence in support. It has therefore been removed as a reference and the rejections of the application under 35 U.S.C. §103 have therefore been overcome.

In view of the foregoing, it is submitted that all rejections have been overcome and this application is now in condition for allowance. The Examiner's further and favorable reconsideration in that regard is therefore urged.

As this response is being submitted during the fourth month following the Examiner's Office Action, an appropriate petition for Extension of Time is also submitted herewith.

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Respectfully submitted,


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